

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.) CERTIFICATION OF A
) SEXUALLY DANGEROUS PERSON
JOHN MARVIN BALLARD,)
Register Number 84650-012,)
)
Respondent.)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 19th day of July, 2010.

George E. B. Holding
United States Attorney

/s/ Michael Lockridge
Michael Lockridge
Special Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
310 New Bern Avenue
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N.C. Bar # 28644

CERTIFICATE OF SERVICE

This is to certify that I have this 19th day of July, 2010, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

JOHN MARVIN BALLARD
Reg. No. 84650-012
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael Lockridge
Michael Lockridge
Special Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461
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CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Acting Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate John Marvin Ballard, Register Number 84650-012, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of concurrent 60-month terms of imprisonment and concurrent 36-month terms of supervised release, following his conviction for two counts of Scheme to Conceal a Material Fact, in violation of 18 U.S.C. § 1001(a)(1) (E.D. Cal.) (Case No. 2:06CR00283-01); and a concurrent 24-month term of imprisonment, following the revocation of his supervised release. His original sentence was a 15-month term of imprisonment and a 36-month term of supervised release, following his conviction for False Statements, in violation of 18 U.S.C. § 1001(a)(2) (E.D. Cal.) (Case No. 2:05CR00168-01). His projected release date is October 14, 2010.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by

18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his prior convictions for: Travel in Interstate Commerce for the Purpose of Engaging in Sexual Acts With a Minor, in the U.S. District Court, Eastern District of California (Case No. 2:99CR00050-01), for communicating with an undercover agent over the Internet that he was interested in having oral and vaginal sex with the agent's purported twelve-year-old niece, traveling from Nevada to California for the purpose of having sexual contact with the girl and expecting the sexual contact to be videotaped; and Interstate Transportation of Visual Depictions of a Minor Child Engaged in Sexually Explicit Conduct, in the U.S. District Court, Northern District of Oklahoma (Case No. 86-CR-154), for taking nude and topless photographs of a teenage girl, taking one photograph of the girl with her

legs spread apart and her genitals exposed, and sending the film to a photo lab in another state to be developed;

(b) A psychological review and assessment indicated Axis I diagnoses of Pedophilia, Sexually Attracted to Females, Nonexclusive Type; Paraphilia, Not Otherwise Specified (Hebephilia); and Amphetamine Dependence, in a Controlled Environment; Axis II diagnosis of Personality Disorder Not Otherwise Specified, with Antisocial and Dependent Features;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his prior offense conduct, a history of revocation or failure to meet the stipulations of conditional release, failure in sex offender treatment, and paraphilic versatility, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Bazerman

Ivonne E. Bazerman
Acting Chairperson
Certification Review Panel
Federal Bureau of Prisons

7/12/2010

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.) ORDER
)
JOHN MARVIN BALLARD,)
Register Number 84650-012,)
)
Respondent.)

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and

expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2010.
